

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2171 of 2022**

Arising Out of PS. Case No.-161 Year-2021 Thana- RIGA District- Sitamarhi

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1. PAPPU RAKY @ SHAMSHAD AHAMAD SON OF NEYAZ RAKI
RESIDENT OF VILLAGE- BHAVDEPUR, P.S.- RIGA, DISTRICT-
SITAMARHI
 2. AHAMAD RACKY @ MD. SARFARAZ AHAMAD SON OF PAPPU
RAKY @ SHAMSHAD AHMAD RESIDENT OF VILLAGE-
BHAVDEPUR, P.S.- RIGA, DISTRICT- SITAMARHI

... .. Appellant/s

Versus

1. The State of Bihar
2. SHAIL DEVI WIFE OF LATE RAUSHAN RAI RESIDENT OF
VILLAGE- BHAVDEPUR GOT WARD NO.-13, P.S.- RIGA, DISTRICT-
SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 27-09-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 06.05.2022 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge SC/ST (POA) Act, Sitamarhi in ABP No. 1033/2022 / 70/2022 whereby the prayer for bail of the appellants in connection with Riga P.S. Case no. 161 of 2021 under Sections 302/34 of the Indian Penal Code and section 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

As per allegation in the FIR, informants' husband was working as a labourer in a leather factory for the last 20 years and



when he asks for his wages, he was beaten to death by the accused persons including the appellants.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. They are neither the owner nor the staff of the alleged factory. They have been falsely implicated in this case at the instance of local politics and for illegal demand. In fact, deceased was very weak and he met with an accident while pulling the cart and he succumbed to the accidental injuries. The appellants have never tried to disgrace the image of the deceased in public view.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that during investigation, several witnesses have supported the prosecution case. As per postmortem report, doctor has opined cause of death due to injuries cause by hard and blunt substance. Postmortem report also corroborates the prosecution story.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, I do not find it appropriate to grant anticipatory bail to the appellants and, as such, their prayer for anticipatory bail is rejected.

The appeal stands disposed off.

(Sunil Kumar Panwar, J)

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